PATENT APPL. NO. 09/064,000

AUG 1 9 2004 35

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 1646

Serial No.: 09/064,000

Examiner: Elizabeth C. Kemmerer, Ph.D.

Filed: April 21, 1998

For: METHOD AND APPARATUS

CERTIFICATE OF MAILING

FOR INSTALLATION OF

DENTAL IMPLANT

) I hereby certify that this correspondence is being deposited

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AMENDMENT

Mail Stop NON-FEE AMENDMENT Commissioner for Patents P.O. Box 1450 Arlington, VA 22313-1450

Sir:

This amendment is responsive to the Office Action of June 3, 2004, which constitutes the first action on the merits by the Patent and Trademark Office (hereinafter "PTO") since Applicant's response filed February 15, 2001 – a period of about three years and three months. Applicant recognizes the fact that the instant application was transferred to the Examiner about one year ago. The three-year term extension guarantee, which applies to later-filed applications, does not apply to the instant application because Applicant's April 21, 1998 filing date falls between June 8, 1995, and May 28, 2000. Thus, perforce, Applicant has already been severely prejudiced in term length by the long administrative delay by the PTO between the February 15,

2001 response and the Office Action of June 3, 2004. Furthermore, this delay has been compounded by the outstanding Office Action, which does not treat the elected invention. Applicant believes that the claims have been improperly and incorrectly interpreted by the Examiner, thus, in effect, resulting in an election of species made by the Examiner and not intended to be elected by Applicant.

In the June 3, 2004 Office Action, some or all of the claims responding to the elected invention were objected to; were rejected under 35 U.S.C. §112, first and second paragraphs; and were rejected under 35 U.S.C. §101. Reconsideration of the above-mentioned objection and rejections is requested in view of the newly presented claims and the accompanying remarks.

Please amend the application as follows:

IN THE SPECIFICATION:

Please amend the title as follows:

METHOD AND APPARATUS FOR GROWTH OF SOFT TISSUE INSTALLATION
OF DENTAL IMPLANT

IN THE CLAIMS:

Please cancel claims 192-381 without prejudice to including the same or similar claims in a divisional, continuation, or continuation-in-part patent application.

Please add the following new claims:

- 382. A method for producing a desired soft tissue in a body of a human patient comprising:
 - (a) Placing cells in said body of said human patient;
 - (b) Forming a bud in said body of said human patient; and

- (c) Growing said desired soft tissue from said bud.
- 383. The method of claim 382, wherein said cells are multifactorial and non-specific.
- 384. The method of claim 383, wherein said cells comprise stem cells.
- 385. The method of claim 382 further comprising forming a new artery.
- 386. The method of claim 383 further comprising forming a new artery.
- 387. The method of claim 382, wherein said soft tissue comprises mesodermal tissue.
- 388. The method of claim 382, wherein said soft tissue comprises an artery.